

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV12-07412-AHM Bk. Case No. 1:11-BK-10426-VK	Date	December 20, 2012
Title	In re MARCIANO		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE	
Stephen Montes	Not Reported	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:	

**Proceedings:** IN CHAMBERS (No Proceedings Held)

Appellant-Debtor Georges Marciano appeals from an order of the bankruptcy court allowing Bankruptcy Trustee David K. Gottlieb (“the Trustee”) to file under seal certain documents that Marciano contends were illegally seized from him and/or third parties in Montreal, Quebec.<sup>1</sup> Because the order being appealed is not final, the Court **DISMISSES** Marciano’s appeal for lack of jurisdiction.

The Trustee’s agents obtained the documents in question pursuant to a warrant issued by Justice Chantal Corriveau of the Superior Court of Quebec. After the seizure, Justice Mark Schrager, also of the Quebec Superior Court, granted Marciano’s motion to quash the warrant and ordered the Trustee’s agents to return all of the seized property.

The Trustee’s agents appealed Justice Schrager’s ruling.<sup>2</sup> In the meantime, the Trustee filed a motion in the bankruptcy court seeking to use some of the seized documents. In its motion, the Trustee contended that the documents tended to show that CKSM Family Trust is an alter ego of Marciano. At the hearing, the Trustee also argued that some of the documents would be necessary to defend against an anticipated motion to disqualify the Trustee. After a hearing on the motion, the bankruptcy court ordered the Trustee to return the documents and to file a copy in the bankruptcy court under seal “for

<sup>1</sup> Dkt. 26.

<sup>2</sup> In October 2012, the Quebec Court of Appeal reversed Justice Schrager’s ruling. The parties dispute the effect of the reversal on the instant appeal.

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safekeeping.” ER at 1137. The bankruptcy court further stated that it would not review the documents “unless issues concerning the contents of the Documents arise *that would be appropriately adjudicated by this Court.*” *Id.* (emphasis in original).

A bankruptcy court order is final and appealable “where (1) it resolves and seriously affects substantive rights and (2) finally determines the discrete issue to which it is addressed.” *In re Rosson*, 545 F.3d 764, 797 (9th Cir. 2008). The bankruptcy court’s order authorizing the Trustee to file a copy of the contested documents for possible future review by the court clearly does not “resolve and seriously affect” Marciano’s substantive rights. *See also In re Four Seas Ctr., Ltd.*, 754 F.2d 1416, 1418 (9th Cir. 1985) (a bankruptcy court order is not final if “further proceedings in the bankruptcy court will affect the scope of the order.”). Marciano offers no rational argument to the contrary.

The appeal is DISMISSED.

No hearing is necessary. Fed. R. Civ. P. 78; L. R. 7-15.

**JS-6**

Initials of Preparer

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cc: Bankruptcy Court